United Nations A/C.5/62/SR.25

General Assembly
Sixty-second session

Official Records

Distr.: General
18 January 2008

Original: English

## Fifth Committee

**Summary record of the 25th meeting**
Held at Headquarters, New York, on Wednesday, 19 December 2007, at 10 a.m.

*Chairman*: Mr. Ali ..... (Malaysia)
*Chairman of the Advisory Committee on Administrative and Budgetary Questions*: Mr. Saha

## Contents

Agenda item 128: Proposed programme budget for the biennium 2008-2009 (*continued*)

*Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*

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07-65222 (E)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 128: Proposed programme budget for the biennium 2008-2009** (*continued*)

*Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action* (A/62/7/Add.28; A/C.5/62/21)

1. **Ms. Wong** (Programme Planning and Budget Division) said that the statement of programme budget implications of draft resolution A/C.3/62/L.65/Rev.1, as orally revised, had been submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly. In his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its resumed second session, its third session and its third special session in 2006 (A/61/530/Add.1), the Secretary-General had informed the General Assembly that, under the terms of Human Rights Council resolution 3/2, the Council would act as the Preparatory Committee for the Durban Review Conference, that the estimated requirements to support the preparatory process could be met from existing appropriations under the programme budget for the biennium 2006-2007 and that the indicative requirements for the biennium 2008-2009 would be considered in the context of the proposed programme budget for that biennium.

2. Paragraphs 3 and 6 of the statement (A/C.5/62/21) described the programme budget implications arising from draft resolution A/C.3/62/L.65/Rev.1. Although the additional requirements had initially been estimated at $7,061,600, following a review of the intended programme of work under sections 2, 23 and 28E of the proposed programme budget for the biennium 2008-2009, it had been proposed that $266,900 of expenditure should be met from within the existing provisions of the proposed programme budget for that biennium. The balance of the additional requirements, up to $6,794,700, was considered to be beyond the absorptive capacities of the provisions proposed under sections 2 and 23. As indicated in paragraph 9 of the statement, an estimated $804,100 for the travel requirements of representatives of least developed countries, national human rights institutions and non-governmental organizations would be funded from available extrabudgetary resources.

3. As indicated in paragraph 7 of the statement, consultations between the Member States were ongoing, as the Preparatory Committee intended to elaborate further on the duration and level of participation in the Durban Review Conference. The Secretariat must consult the regional commissions regarding the costs, and absorption of the costs, of the regional preparatory conferences, referred to in paragraph 6 (c) of the statement. Furthermore, internal consultations would continue with the Office of the United Nations High Commissioner for Human Rights to determine the potential for absorbing the costs referred to in paragraph 6 (b) of the statement. The General Assembly was being requested to take note of the additional requirements of up to $6,794,700 over and above the level of available resources under the proposed programme budget for the biennium 2008-2009. The Secretary-General intended to submit detailed programme budget implications once the consultations and discussions in question had been completed.

4. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/62/7/Add.28), said that the Advisory Committee was recommending that the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.3/62/L.65/Rev.1, as orally revised, there would be preliminary additional requirements of up to $6,794,700, under sections 2 and 23 of the proposed programme budget for the biennium 2008-2009, representing a charge against the contingency fund. The Advisory Committee recommended that the Fifth Committee should take note of the preliminary estimates, on which it had provided further information in the annex to its report. Upon the conclusion of discussions and negotiations and the determination of the structure of the Durban Review Conference, including the regional preparatory meetings, detailed information on financial implications would be submitted.

5. **Mr. Hussain** (Pakistan), speaking on behalf of the Group of 77 and China, said that his Group attached great importance to the preparation and conduct of the Durban Review Conference and therefore supported the request for resources made in connection with draft resolution A/C.3/62/L.65/Rev.1, as orally revised. However, it was surprised that a statement of programme budget implications had come

before the Fifth Committee, as the draft resolution contained a request for adequate funding to be provided from the regular budget. It was also concerned that the Advisory Committee had been unable to make clear recommendations regarding the matter, in contrast to its ability to pronounce itself on similar matters originating in other Main Committees. The support and solidarity of the General Assembly was needed to counter the scourge of racism, which was found all over the world in many different forms.

6. **Mr. Wallace** (United States of America) said that his delegation would like the Chairman of the Advisory Committee to clarify whether or not document A/C.5/62/21 was genuinely a statement of programme budget implications.

7. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Secretary-General had submitted the document concerned as a statement of the programme budget implications of draft resolution A/C.3/62/L.65/Rev.1, as orally revised. The Advisory Committee had consulted the Secretariat and been informed of a comparable situation in the recent past. Following the 2005 World Summit, the Secretary-General had recommended that the General Assembly should take note of preliminary estimates, and the General Assembly had done so. Detailed information on financial implications had subsequently been submitted to the Advisory Committee, which had then made recommendations to the General Assembly.

8. **Mr. Wallace** (United States of America) said that his delegation had fully understood the Secretary-General's characterization of document A/C.5/62/21 but wondered whether, in the view of the Chairman of the Advisory Committee, it was a statement of programme budget implications in the same sense as the many such statements that the Fifth Committee was accustomed to receiving.

9. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) reaffirmed that the document concerned had been presented as a statement of programme budget implications inviting the General Assembly to note preliminary estimates. He recalled that the Secretary-General, in paragraph 16 of the document, had indicated that detailed information on financial implications would be provided upon the conclusion of discussions and negotiations and the determination of the structure of the Durban Review Conference. Only when it received that detailed information would the Advisory Committee offer its views. He also recalled that the Advisory Committee had been informed that the sum concerned, of up to $6,794,700, might decrease as a result of the outcome of the discussions and negotiations to which the Secretary-General had referred. As the Secretary-General had simply invited the General Assembly to take note of the preliminary estimates, the Advisory Committee was recommending that course of action.

10. **Mr. Sena** (Brazil) said that he wished to express his delegation's support for the request for resources made in connection with draft resolution A/C.3/62/L.65/Rev.1, as orally revised, and to emphasize that the Fifth Committee should treat the related statement of programme budget implications no differently from other statements of programme budget implications submitted to it.

11. **Mr. Wallace** (United States of America) said that his delegation would like details of how the preliminary estimates in question had been calculated and whether they were linked to any measurable requirements of the proposed conferences. Recalling that the Committee had often discussed the holding of conferences, he wondered if the Chairman of the Advisory Committee could indicate whether or not the Fifth Committee had considered preliminary estimates in that context in the past. Finally, his delegation wished to know if the position of the Secretariat and the Advisory Committee was that the draft resolution concerned had no programme budget implications at the current time, as further discussions and negotiations, and revised figures, were still awaited.

12. **Ms. Wong** (Programme Planning and Budget Division) said that the estimates had been calculated on the basis of standard conference-servicing costs. As certain Governments had informed the Secretariat of their interest in hosting some of the five regional preparatory meetings, calculations of the amounts shown in table 2 of the annex to the report of the Advisory Committee (A/62/7/Add.28) had been based on costs in Bangkok, Brasilia, Moscow and Pretoria. Calculations had also been based on costs in Vienna, as it was hoped that a Government in the region would also host a preparatory meeting. Other estimates had been calculated on the basis of the travel departure points of the special rapporteurs and other staff.

13. Regarding the position of the Secretariat, she said that, as the Chairman of the Advisory Committee had indicated, the Secretary-General was inviting the General Assembly at the current time to note that the sum concerned would be up to $6,794,700, and was intending to submit more detailed financial implications of the draft resolution once further discussions and negotiations had taken place.

14. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, in accordance with rule 153 of the rules of procedure of the General Assembly, the Secretary-General provided a statement of the programme budget implications of all draft resolutions to be adopted by the Main Committees of the General Assembly. However, the General Assembly had taken note of preliminary estimates on at least one previous occasion, following the 2005 World Summit. He hoped that the Secretariat could confirm the details of another similar instance which he recalled, namely the preliminary estimates for the Office of the President of the General Assembly, considered directly by the Fifth Committee and the General Assembly.

15. **Mr. Abelian** (Secretary of the Committee) said that, in the case of the estimates for the Office of the President of the General Assembly, the Fifth Committee had already approved the budget when the General Assembly had taken action on a resolution with programme budget implications of up to $980,000 without applying rule 153 of its rules of procedure. The Secretariat had had no alternative but to make a statement before the adoption of the resolution. The resulting estimates had been reflected in the budget proposals for the following year.

16. **Ms. Mesquita** (Portugal), speaking on behalf of the European Union, proposed that discussion of the matter at hand should continue in informal consultations.

17. **Mr. Wallace** (United States of America) said that, if he had understood correctly, the only two instances comparable to the current situation were the 2005 World Summit Outcome and a matter connected with the funding of the Office of the President of the General Assembly. That was a matter of concern to his delegation, in the light of the rules and procedures governing the operation of the Fifth Committee.

18. His delegation would like clarification of the amount of voluntary resources available for the preparation and conduct of the Conference, bearing in mind the provisions of paragraph 5 of General Assembly resolution 40/243 on pattern of conferences, regarding invitations from Governments for sessions of United Nations bodies held away from their headquarters and the defraying of the extra costs involved, and of paragraph 16 of Commission on Human Rights resolution 2002/68 on racism, racial discrimination, xenophobia and related intolerance, regarding the establishment of a voluntary fund for the purposes enumerated in that paragraph.

19. **Mr. Stone** (Australia), speaking also on behalf of Canada and New Zealand, said that the delegations concerned supported the proposal made by the representative of Portugal on behalf of the European Union that discussion should continue in informal consultations.

20. **Ms. Wong** (Programme Planning and Budget Division) said that, as the Advisory Committee had indicated in its report, calculations of the costs connected with the regional preparatory meetings were based on indications from Governments of their potential interest in hosting such events. The Secretariat wished to hold further discussions with those Governments as, pursuant to General Assembly resolution 40/243, they would bear the additional costs involved. Consequently, the Secretary-General was informing the General Assembly that he was providing preliminary estimates pending those further discussions.

21. With regard to the level of voluntary contributions to be raised by the Office of the United Nations High Commissioner for Human Rights, the Secretary-General had indicated, in paragraph 9 of his statement of programme budget implications, that approximately $804,100 would be provided to finance the travel requirements of representatives of national human rights institutions and non-governmental organizations, especially those from developing countries of the region where a regional conference was being held, in accordance with Preparatory Committee decision PC.1/12.

22. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) drew attention to the annex to the Advisory Committee's report (A/62/7/Add.28), which contained detailed information on the preliminary estimate of additional resources, and to paragraph 9 of the statement

submitted by the Secretary-General (A/C.5/62/21). The Secretariat should provide the Fifth Committee and the Advisory Committee with written information on the previously cited cases involving the 2005 World Summit Outcome and the Office of the President of the General Assembly.

23. **Mr. Tawana** (South Africa) endorsed the remarks made by the representatives of Pakistan and Brazil. For well-known historical reasons, South Africa attached great importance to efforts to eradicate the scourge of racism, which were vital for the development of humanity as a whole. Accordingly, the statement of programme budget implications at issue, as well as the draft resolution to which it related, should be adopted before the Committee concluded its work.

24. **Ms. Park** (Republic of Korea) said that she would be grateful for a more precise estimate of the extent to which the costs of holding the regional preparatory conferences would be lowered if the General Assembly approved Governments' offers to host such conferences.

25. **Mr. Wallace** (United States of America) asked the Secretariat to provide detailed information on historical precedents, i.e. specific circumstances in which extrabudgetary funds and/or voluntary contributions had been used to defray the costs of implementing mandated programmes or activities, including the exact amount of such funds raised on previous occasions and the corresponding amount of core budgetary resources required to meet the shortfall. The Advisory Committee should use those figures as the basis for future estimates.

26. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that he had taken note of the suggestion made by the representative of the United States and would ask the representative of the Secretary-General to provide the appropriate information. However, more detailed estimates would be available only after the relevant negotiations, on the structure of the Durban Review Conference, including the regional preparatory meetings, had been completed.

27. **Mr. Berti Oliva** (Cuba) pointed out that the Fifth Committee had dealt with similar situations in the past. As on those other occasions, it would be preferable to continue the discussion in informal consultations.

28. **Mr. Sena** (Brazil) endorsed the remarks made by the representative of Cuba and pointed out that past cases were very useful because they provided a legal basis for the Committee's action. Since many inherently racist practices, such as colonialism, had only recently been eradicated, it was to be hoped that, as humanity evolved further, voluntary contributions for initiatives designed to prevent racism and related intolerance would increase. Lastly, he stressed that the Fifth Committee was a technical body and, as such, should not concern itself with political issues carried over from other Main Committees.

29. **Mr. Hussain** (Pakistan), speaking on behalf of the Group of 77 and China, said that, given the time constraints and the significance of the question at issue, the Committee should pursue its discussion in informal consultations.

30. The Group of 77 and China was disappointed with the way in which the Secretary-General had submitted the statement of programme budget implications. The relevant Main Committee of the General Assembly had adopted a draft resolution setting out a clear course of action, which should have been translated into specific cost estimates. It was the Group's understanding that host Governments had borne most of the costs incurred as a result of the convening of preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The General Assembly must show its support for the implementation of and follow-up to the Durban Declaration and Programme of Action, and he therefore trusted that all the relevant information would be brought before the Fifth Committee as soon as possible.

31. **Mr. Tawana** (South Africa) recalled that, in its capacity as host of the World Conference against Racism, the South African Government had spent in excess of $10 million. The smaller preparatory meetings for the Durban Review Conference would not be nearly as costly.

32. **Mr. Wallace** (United States of America) said that he had no objection to continuing the discussion in an informal setting. However, he would like to know exactly how much had been raised in extrabudgetary resources and voluntary contributions to date. While there was indeed disagreement on the question at issue at the political level, his delegation agreed with the

Group of 77 and China that, in the absence of an appropriate budgetary analysis of the draft resolution, it would be impossible for the Advisory Committee or the Fifth Committee to conduct a genuine review of programme budget implications.

33. **Mr. Hussain** (Pakistan), speaking on behalf of the Group of 77 and China, said that, while he welcomed opportunities for consensus, his understanding of the issue differed somewhat from that of the representative of the United States.

34. **Ms. Wong** (Programme Planning and Budget Division) assured the members of the Committee that she would provide the relevant information, in writing, during informal consultations.

*The meeting rose at 11.05 a.m.*